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Attorney for Defendant
ROBERT JAMES HANNA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT JAMES HANNA,

Defendant.

CASE NO. 2:20-CR-00006-KJM

**STIPULATION AND ORDER MODIFYING
BRIEFING SCHEDULE RE: DEFENDANT'S
MOTION PURSUANT TO 28 U.S.C. § 2255**

The United States, by and through its attorney of record, Michele Beckwith, and defendant Robert James Hanna, by and through his attorney of record, Erin J. Radekin, respectfully submit this stipulation and proposed order modifying the briefing schedule pertaining to Mr. Hanna's motion pursuant to 28 U.S.C. § 2255, ECF No. 41.

The parties agree and stipulate as follows:

1. Mr. Hanna's pro se motion under § 2255 was filed on September 8, 2022. ECF No. 41.
2. On July 19, 2023, the Court adopted the parties' stipulation modifying the briefing schedule pertaining to Mr. Hanna's § 2255 motion. ECF No. 60. Pursuant to the order, a supplemental brief in support of Mr. Hanna's motion, amended § 2255 motion, or notice of non-supplementation is due on August 14, 2023. *Id.*
3. Ms. Radekin has obtained and reviewed all relevant records pertaining to Mr. Hanna's pro se

claims in his § 2255 motion and she has identified one meritorious issue to raise in an amended § 2255 motion relating to the sustained finding that Mr. Hanna suffered a prior crime of violence, his conviction of California Penal code section 245, subdivision (a)(4), for purposes of calculating the base offense level under U.S.S.G. § 2K2.1. *See* PSR at ¶¶ 20, 41. She has conferred with Mr. Hanna and with prior counsel, Jessica Graves. On July 17, 2023, Ms. Graves provided a signed declaration in support of an amended § 2255 motion raising this sole issue. Although the amended motion and all exhibits are substantially complete, Ms. Radekin needs additional time to complete the motion in light of an unforeseen circumstance that required an immediate and significant expenditure of time. On August 2, 2023, the new landlord of Ms. Radekin's office space provided her with notice that requires that she vacate her office space by September 1, 2023 or sign a new lease with conditions and costs that are she is not willing to accept. As a result, Ms. Radekin has had to devote significant time locating a new office space and negotiating a new lease, and then must move by September 1, 2023. For this reason, she requests an additional 15 days, until August 29, 2023, to complete and finalize the amended motion and accompanying documents.

4. The parties have conferred and agree that a modification of the briefing schedule is warranted to allow Ms. Radekin to obtain Ms. Graves' declaration and to finalize the amended § 2255 motion.

5. The parties agree to the following modification of the briefing schedule to allow Ms. Radekin to complete these tasks: an amended § 2255 motion, supplemental brief in support of Mr. Hanna's pro se motion, or notice on non-supplementation, due no later than **August 29, 2023**. The government's opposition, or statement of non-opposition, is due **30 days after the amended § 2255 motion, is filed**.

Any reply to the government's brief is due **15 days after the government's brief is filed**.

IT IS SO STIPULATED.

Dated: August 14, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Michele Beckwith
MICHELE BECKWITH

Assistant United States Attorney

Dated: August 14, 2023

/s/ Erin J. Radekin

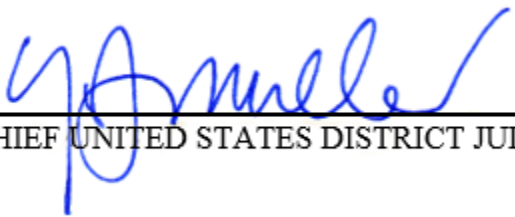
ERIN J. RADEKIN

Counsel for Defendant

ROBERT JAMES HANNA

ORDER

IT IS SO ORDERED this 16th day of August, 2023.



CHIEF UNITED STATES DISTRICT JUDGE